

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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In the Matter of)	
)	
Telecommunications Relay Services)	CC Docket No. 98-67
And Speech-to-Speech Services for)	
Individuals with Hearing and Speech)	and
Disabilities)	
)	CG Docket No. 03-123
Petition for Declaratory Ruling on)	
Video Relay Service Interoperability)	
)	

National Association of the Deaf
Reply Comments on Relay Service Interoperability

Kelby Brick, Esq.
Director, Law & Advocacy
National Association of the Deaf
814 Thayer Avenue
Silver Spring, MD 20910

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**National Association of the Deaf
Comments on Relay Service Interoperability**

Introduction

The National Association of the Deaf (NAD) hereby submits its reply comments to the Federal Communications Commission (FCC) in response to Public Notice, DA No. 05-509, released March 1, 2005, inviting reply comments in response to the California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH) Petition seeking a Declaratory Ruling on Interoperability.

Established in 1880, the NAD is the oldest and largest consumer-based national advocacy organization safeguarding the civil and accessibility rights of 28 million deaf and hard of hearing individuals in the United States of America. The mission of the National Association of the Deaf is to promote, protect, and preserve the rights and quality of life of deaf and hard of hearing individuals in the United States of America. Primary areas of focus include grassroots advocacy and empowerment, captioned media, deafness-related information and publications, legal rights

and technical assistance, policy development and research, and youth leadership development. The NAD works closely with other deaf-related consumer based national organizations and is a member of several coalitions representing the interests of deaf, hard of hearing, late-deafened and deaf-blind individuals.

The NAD reiterates and incorporates its' positions taken in its April 15, 2005 comments filed with the FCC. Specifically, the NAD believes that the FCC should require that relay products and services be interoperable and compatible in accordance with FCC-prescribed standards.

The NAD is gratified to see that numerous consumers have found this issue so critical that they were willing to navigate through the FCC's ECFS website to file comments in support of interoperability.

The NAD is also gratified that most relay providers and other telecommunication services agree that the commission should immediately prohibit relay providers from blocking calls whether from individuals or through other providers-. The NAD notes that other providers do not see a requirement of interoperability and a bar on blocking as an obstacle for innovation and technology development.

In the interests of brevity, the NAD will not repeat in detail arguments it made on April 15, nor will it address arguments made by other commenters that essentially takes similar positions as the NAD.

The NAD will address those relevant comments by others that are either inconsistent with NAD views or requires clarification.

National Directory

The NAD fully supports MCI (and other commenters') suggestion that the FCC establish "a national VRS numbering data base funded from the TRS fund, or by allowing VRS providers to direct interconnect to each others' numbering databases."

Sorenson is not entirely accurate when it argues that its equipment can indeed accept calls from other relay providers. As previously mentioned, Sorenson has adopted a number dialing feature which supports dialing IP address to IP address for both the VP-100 and D-Link DVC-1000 i2eye videophone devices. This number dialing features is based on the same numbering system under the North American Numbering Plan (NANP). This leads relay customers, both deaf and hearing to believe that any and all telephones, relay providers and CPEs can use the phone number as is customary with all other CPEs using phone numbers.

Contrary to public expectations, Sorenson admits that it intentionally blocks calls from other devices that uses numbers set up by the NANP. If Sorenson is to use a directory that utilizes the NANP, Sorenson should also make it fully accessible from any CPE used by customers and relay providers. The North American Numbering Plan Administration (NANPA) administrates the NANP, and is subject to directives from the FCC. The FCC could set up a national VRS numbering database and based on (or linked to) NANPA and NECA.

However the FCC sees most appropriate to set up this national database, the time for action is now. Section 251(e)(1) requires the Commission to create or designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis. Such an entity would allow the FCC to carry out its responsibility not only under Section 251 but also its responsibility for ensuring network interconnectivity under Section 256.

Blocking calls from Other Relay Providers

Sorenson claims that they do not block calls from other relay providers. This is inconsistent with comments the NAD receives directly from consumers, both deaf and hearing. This is also inconsistent with comments from other relay providers.

Sorenson claims that they are in full compliance with Section 225. This is also inaccurate.

Relay providers are required by Section 225 to comply with rules applicable to common carriers. Section 225 prohibits relay providers from failing to fulfill the obligations of common carriers by refusing calls.¹ Sorenson in its comments admits that they do not permit their consumers to use Sorenson-provided equipment to call other providers. Sorenson, by its own admission, blocks calls and is thus refusing calls from being connected. This is a de facto violation of Section 255.

Sorenson, however, is to be commended for its development of the integrated videophone number dialing feature which supports dialing IP address to IP address. This feature is found in both VP 100 and D-Link DVC-1000 i2eye videophone devices. The latter is also being marketed to non-relay customers.

Sorenson claims that it does not block VP-100 users from receiving calls from someone using a VP-100 videophone if the caller dials the correct IP address. This is not accurate. A person using a D-Link videophone device may be dialing the correct IP address utilizing the integrated directory owned and operated by Sorenson and still be blocked.

¹ 47 U.S.C §225(d)(1)(E).

Sorenson owns the technology -supporting both devices' directories. Sorenson manages both directories. Sorenson should not be allowed to keep the two directories for reasons already outlined in the NAD's original comments.

Sorenson acknowledges that its previous equipment license agreement contained language that refused to permit consumers from accepting incoming calls from other VRS providers. Sorenson has stated that they recognized that this clause was inappropriate and removed this. Sorenson claims that this clause should no longer be an issue and thus should not be a factor. However, there are numerous consumers out there who have not been properly notified of this change. They are still under the mistaken impression that they are not allowed to accept calls from other providers. Sorenson should be required to take proactive steps to inform consumers of this change including possibly sending its installers to each customer to communicate this change to them in sign language.

Blocking results in additional costs to consumers.

Sorenson argues consumers do “not make a financial commitment in the Sorenson VRS solution that would require the selection of only one VRS provider.” Sorenson makes this argument because consumers do not pay Sorenson for the equipment. However, the equipment does require a financial commitment on the part of consumer. A patchwork of various relay providers' CPE results in additional costs to consumers. By allowing blocking to occur, consumers are obligated to acquire additional different equipment to access different individuals. This is expensive, time consuming and discriminatory to those who are least able to bear such costs—and frequently the same individuals who need such access the most. Furthermore, Sorenson's argument devalues time itself. Benjamin Franklin urged citizens to "remember that

time is money."

Congress concurred with the view that time is money when they passed Title IV of the ADA, requiring that relay services be "available, to the extent possible and in the most *efficient* manner."²

Sorenson has previously filed comments arguing against a speed of answer requirement for VRS, preferring a longer wait time for consumers. They have, on the matter of interoperability, argued duplicitously that consumers prefer to have options of having "more than one device...to use another VRS provider." Sorenson, at the very least, deserves credit for being consistent in disregarding the value of consumers' time in both waiting for a long speed of relay service answer time and for the acquisition and -struggling with and coping with different equipment. The FCC should, however, not tolerate this and take necessary steps to restore Congress' intentions of making relay services available nationwide in the most efficient manner.

Innovation and Competition

The NAD concurs with Hamilton Relay, Inc.'s views that a ban on the restrictive marketing practice of blocking IP addresses "will serve the public interest without frustrating providers' attempts to offer innovative new VRS services." It is critical to distinguish between technology innovations to serve consumers and technology attempts to block competition. Anti-competition practices will lead to less innovation and technology development.

The NAD agrees completely with Sorenson's views that "the greater the number of stronger competing VRS providers, the faster VRS will become on the ubiquitous scale Congress intended when it enacted Section 225 of the Communications Act."

² 47 U.S.C. §225(b)(1) (emphasis added).

Unfortunately, Sorensen may be a barrier to the above-mentioned intentions of Congress. Sorenson, by its own admissions, is the largest VRS provider. The NECA's April 25 report to the FCC noted that the "average cost per minute appears to be driven by the cost and demand characteristics of a single provider." This distortion of the reimbursement cost is reflective of a single provider dominating the market. This lack of parity in strength among VRS providers have caused the NECA to recommend that the FCC explore changes in traditional rate development methodology. The NAD suggests that this distortion and domination is largely caused, if not solely, by admitted anti-competitive practices undertaken by Sorenson.

Blocking practices prevent a maturation of competing marketing forces. A maturation of forces is critical for the development of a more efficient and accessible system. Innovation and competition must be encouraged. A ban on blocking will promote innovation and competition.

Privacy of Consumers

The NAD finds Hands On's comment that all VP-100 and i2eye videophone devices connects with a Sorenson server prior to making a third party call to be of great interest as it relates to privacy issues. The NAD wants to know what is happening upon and after such connections. This raises numerous questions including possible violations of relay confidentiality, wiretapping laws and other consumer privacy protections. The NAD urges the FCC to open an investigation in this and report back to the public what exactly is -happening on Sorenson's servers.

Conclusion

The FCC has always taken a strong position supporting principles of interoperability in other areas it has jurisdiction over. The FCC has also long upheld the principle of competition.

If relay services and products are allowed to continue operating in closed and exclusionary networks, the FCC will be relegating deaf and hard of hearing individuals to the status of second-class citizenship with inefficient access and nonfunctional equivalency to the nation's telecommunication network.

Blocking practices should be prohibited and directory lists should be opened up. The NAD also respectfully refers the FCC to its original comments and recommendations on interoperability.

The NAD urges the FCC to move decisively and expeditiously, to make available to all deaf and hard of hearing individuals in the United States a rapid and *efficient* nationwide communication service in the most *efficient* manner. The ADA requires and expects no less.

Respectfully submitted,

Kelby Brick, Esq.
Director, Law & Advocacy
National Association of the Deaf
814 Thayer Avenue
Silver Spring, MD 20910

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